1942 **File No.** O. Lepers/42

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Legal **DEPARTMENT**

A **BRANCH**

Subject:—

Opinions under the Lepers Act, 1898.

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Rule 16 of the Kondhwa Leper Asylum Rules, framed under section 16 of the Lepers Act, 1898, provides that breaches of disciplines shall be punished by the Superintendent at his discretion subject to any general or special directions of the Board. It appears,however, that the Superintendent has neither the staff nor the means to apply sanctions and effectively control the turbulent section of the pauper lepers. Matters have reached such a stage to necessitate the immediate removal of the refractory pauper lepers to another leper asylum. It has been suggested that the Magistrate having jurisdiction can issue a revised warrant ordering the detention of these pauper lepers in the Acworth Leper Asylum, Matunga. The question for the R.L.A's consideration is whether it would be legal for the Magistrate to issue a fresh warrant under section 8 of the Act for the purpose of removing the unruly pauper lepers from the Kondhwa Lepor Asylum to the Acworth Lepor Asylum in Bombay.

2. Section 8 of the Lepers Act provides inter alia that a competent Magistrate may after going through the prescribed formalities, send the pauper leper to a lepor asylum where such leper shall be detained until discharged by order of the Board or the District Magistrate. There is no provision in the Act or the Rules framed thereunder for transfer of statutory pauper lepers from an asylum where they are detained under section 8 to any other asylum. When once a pauper leper is sent to a leper asylum appointed under section 3, such leper must be detained there until duly discharged by the Board or the District Magistrate. It would not therefore be competent to the Magistrate to issued a revised warrant and transfer the unruly pauper lepers to the Acworth Lepor Asylum at Bombay. It does not also

appear that any area in the Poona District has been notified under section 3 so as to enable lepers from that District to be sent to the Acworth Leper Asylum. To achive the object in view the only feasible course would be for the District Magistrate to pass an order discharging the lepers under section 8 of the Act and then to follow the procedure de novo as laid down in sections 6,7 and 8. The District Magistrate may then order the detention of the turbulent pauper lepers in the Acworth Leper Asylum, provided a notification is issued in the meantime extending the area in respect of the Acworth Leper Asylum under section 3 to the Poona District.

Sd. P.N.Moos
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Remembrancer of Legal Affairs.

U.R.to G.D.,No.1994, dated the 5th March 1942.

MRP.
30/4/56.